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**VIA ECF**

Honorable Allyne R. Ross  
United States District Judge  
U.S. District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**RE: *Wilmington PT Corp. v. The Bank of New York Mellon f/k/a the Bank of New York as Trustee for the Certificateholders of the Cwalt, Inc., Alternative Loan Trust 2007-OA2, Mortgage Pass-Through Certificates, Series 2007-OA2***  
**Docket No. 1:19-cv-02816-ARR-RLM**  
**Letter Updating Court of Appeals Decision in State Action**

Dear Judge Ross:

We are counsel for Plaintiff, Wilmington PT Corp. (“Plaintiff” of “Wilmington PT”). We write in response to the Order filed by your Honor on August 27, 2019 granting Defendants, The Bank of New York Mellon, f/k/a Bank of New York, as Trustee for the Certificateholders of the CWALT, Inc. Alternative Loan Trust 2007-OA2, Mortgage Pass-Through Certificates, Series 2007-OA2 (“Defendant” or “BoNYM”) motion to abstain from adjudicating the instant action in favor of the pending state action (the “Abstaining Order”). Per the Abstaining Order, Plaintiff writes to update the Court that a decision has been rendered by the Appellate Division for the Second Judicial Department regarding the pending state action (the “Appellate Order”). On September 25, 2019, The Appellate Order affirmed the order filed in the Queens County Supreme Court on March 6, 2017 which dismissed the second state foreclosure action as untimely. A copy of the Appellate Order is attached hereto as **Exhibit A**.

Since the Appellate Order has already decided that the second state foreclosure action filed by Defendant was untimely, Defendant no longer has any basis to oppose the Instant Action. As such, Plaintiff respectfully requests that the stay in the Instant Action be lifted. Additionally, Plaintiff respectfully requests a pre-motion conference for Plaintiff to move for summary judgment in the Instant Action pursuant to Federal Rules of Civil Procedure (“FRCP”) 56, based on Res Judicata and/or Collateral Estoppel.

We thank the Court for its time and attention to this matter.

Thank you,

/s/ Barry M. Golden